

Section

- 90.01 Definitions
- 90.02 Restraint
- 90.03 Apprehension, impoundment, and violation notice
- 90.04 Fines
- 90.05 Breach of shelter
- 90.06 Dogs to be muzzled
- 90.07 Police to kill unmuzzled dog
- 90.08 Vicious dogs
- 90.09 Barking dogs
- 90.10 Keeping swine
- 90.11 Stables, pens, and kennels
- 90.12 Removal of dead animals
- 90.13 Sale of young animals
- 90.14 Name tags
- 90.15 Animal care
- 90.16 Animal waste
- 90.17 Keeping wild animals
- 90.98 Enforcement
- 90.99 Penalty

§ 90.01 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ANIMAL." Any live, vertebrate creature, domestic or wild.

"ANIMAL SHELTER." Any facility operated by a humane society or municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

"HUMANE OFFICER." Any person designated by the State of Indiana, a municipal government, or a humane society as a law enforcement officer, who is qualified to perform such duties under the laws of this state.

Statutory reference:

Humane officer, see IC 18-1-11-16

"KENNEL." Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling cats or dogs.

"OWNER." Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days.

"PET." Any animal kept for pleasure, and not denied by state law or ordinance of the city.

"PUBLIC NUISANCE." Any animal which:

- (1) Runs at large.

- (2) Attacks other animals.
- (3) Molests passers-by or passing vehicles.
- (4) Barks, whines, or howls in any excessive, continuous, or untimely fashion.
- (5) Damages private or public property.
- (6) Runs at large while in heat.
- (7) Trespasses on school grounds.
- (8) Trespasses on public parks.

"RESTRAINT." Any animal secured by a leash or lead or under the control of a responsible person and obedient to that person's commands, or within the real property of its owner.

"VICIOUS ANIMAL." Any animal that constitutes a physical threat to human beings or other animals.

"WILD ANIMALS." Any live monkey (nonhuman primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warmblooded animal which can normally be found in the wild state.
(Ord. 26-1980, passed 11-10-80)

§ 90.02 RESTRAINT.

(A) No person shall allow any cattle, sheep, swine, fowl, dog, or other domestic animal to run at large in the city.

(B) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

(C) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for supervised or planned breeding.
(Ord. 26-1980, passed 11-10-80) Penalty, see § 90.99

§ 90.03 APPREHENSION, IMPOUNDMENT, AND VIOLATION NOTICE.

(A) Unrestrained dogs and nuisance animals shall be taken by the police or Humane Officer and impounded in an animal shelter and there confined in a humane manner.

(B) After an animal has been held unredeemed at the animal shelter for a period of three days, it shall be disposed of by the Humane Officer, by

adopting it to some person who will provide the animal a suitable home, or by destroying it in a manner permitted by law.

(C) If by a license tag or another means, the owner of an impounded animal can be identified, the Humane Officer shall immediately on impoundment, notify the owner by telephone or certified mail.

(D) The animal shelter shall be open to inspection at reasonable times for owners to search for and reclaim animals.

(E) In addition to, or in lieu of, impounding an animal found at large, the Animal Control Officer, Humane Officer, or police may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose on the owner a penalty of \$5, which is to be paid to the Clerk-Treasurer of the city within 48 hours, in full satisfaction of the assessed penalty. In event that warrant shall be initiated before a magistrate and on conviction of a violation of this chapter, the owner shall be punished as provided in § 90.99.

(F) Before release from impoundment, the animals owner must present proof of rabies vaccination and paid county dog tax for the animal.
(Ord. 26-1980, passed 11-10-80) Penalty, see § 90.99

Statutory reference:

Establishment and operation of animal shelters, see IC 36-8-2-6

§ 90.04 FINES.

A fine of \$5 shall be collected for the first time an animal is impounded, \$20 for the second time, and \$30 for the third time. If an animal is impounded four or more times, the owner shall be summoned to court for violation of § 90.02. A fee shall be added to each of such fines, for the cost of boarding the animal.

(Ord. 26-1980, passed 11-10-80)

§ 90.05 BREACH OF SHELTER.

No person other than the manager of the animal shelter or a Humane Officer shall liberate any impounded animal. No person shall commit a breach of such shelter or interfere with the taking of animals by the Humane Officer.
(Ord. 26-1980, passed 11-10-80)

§ 90.06 DOGS TO BE MUZZLED.

(A) Whenever the Clay County Board of Health determines that there is danger of the existence or spread of hydrophobia within or near the city, it may issue an order requiring any person owning,

possessing, or having the care and control of any dog, either to confine or muzzle such animal for a term not less than 30, nor more than 60 days, ensuing the date of the order. Any person subject to such order shall, during the period of time specified therein, confine such animal so as to prevent it from biting any other animal or being bitten thereby, or shall securely and effectively muzzle it in such a manner as to make it impossible for it to bite any person or any other animal. No muzzle is lawful unless it is of such form, material, and strength, and so attached and fastened, as to effectually prevent such animal from biting, and any dog which is found running at large within the city without a muzzle during the time specified in the order is declared to be a nuisance.

(B) The order of the Clay County Board of Health, as provided for herein, shall be published in one issue of a daily newspaper published in the city, or a printed copy thereof shall be posted in at least three public places in the city. (Ord. 26-1980, passed 11-10-80) Penalty, see § 90.99

§ 90.07 POLICE TO KILL UNMUZZLED DOGS.

On the issuing and publishing of the order of the Clay County Board of Health, provided for in § 90.06, and after the expiration of 24 hours from such publication, the law enforcement authorities shall kill any dog running at large within the city during the time specified in such order, unless it is securely and effectually muzzled as required by this chapter.
(Ord. 26-1980, passed 11-10-80)

Statutory reference:

Authority to destroy animals, see IC 36-8-2-6

§ 90.08 VICIOUS DOGS.

Any dog which has bitten or attacked any person shall be considered vicious and shall be impounded for a period of ten days, or so long as the Clay County Board of Health shall otherwise determine. In lieu of impounding at the animal shelter, the owner at his expense, may provide for such dog to be delivered by the Humane Officer to a commercial kennel operated by a licensed veterinarian, for such period. After such period, the animal shall be released or disposed of, pursuant to the rules and policies of the impounding facility. No person shall keep or permit any vicious animal within the city unless the same shall be secured by a chain on his premises, or muzzled to prevent him from biting. Any animal believed to be vicious found running at large,

unmuzzled, may be destroyed by law enforcement authorities.
(Ord. 26-1980, passed 11-10-80) Penalty, see § 90.99

§ 90.09 BARKING DOGS.

No person shall keep within the city, any animal which by loud and frequent barking, howling, yelping, or other animal noises, disturbs the peace and quiet or annoys any citizens.
(Ord. 26-1980, passed 11-10-80) Penalty, see § 90.99

§ 90.10 KEEPING SWINE.

No person shall keep, feed, or maintain any pig, hog, or swine of any kind within the city, except swine temporarily in shipping pens for shipment to market or elsewhere, or swine kept on tracts of land of five acres or more in extent, which are used exclusively for farming purposes.
(Ord. 26-1980, passed 11-10-80) Penalty, see § 90.99

§ 90.11 STABLES, PENS, AND KENNELS.

No person shall keep within the city any pig sty, kennel, stable, or other animal pen or shelter in such a manner as to create or cause any offensive or noxious smell or condition, or maintain or use any animal pen or shelter constructed in a manner as to permit the contents of filth therein to run or wash on the premises owned or occupied by another, or on any street, alley, or other public place.
(Ord. 26-1980, passed 11-10-80) Penalty, see § 90.99

§ 90.12 REMOVAL OF DEAD ANIMALS.

Any person who becomes apprised of the death of any animal owned by him within the city shall, within six hours thereafter, cause the same to be removed and buried, or disposed of so as not to become a nuisance. When the animal is killed by any other person than its owner, if the person so killing it is known, the owner shall not be compelled to remove it as provided above, but it shall be removed by the person killing it.
(Ord. 26-1980, passed 11-10-80) Penalty, see § 90.99

§ 90.13 SALE OF YOUNG ANIMALS.

(A) It shall be unlawful for any person to sell or offer for sale, raffle, or offer or give as a prize, premium, or advertising device, or display in any store, shop, carnival, or other place, any chick, duckling, gosling, or rabbit that has been dyed or otherwise colored artificially.

(B) It shall be unlawful for any person to sell or offer for sale, raffle,

or offer to give as a prize, premium, or advertising device, any chicks, ducklings, or goslings younger than four weeks of age, in quantities of less than 12 birds to each individual person.

(C) All stores, shops, vendors, and other offering chicks, ducklings, or goslings for sale shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings, or goslings in good health, and shall keep adequate food and water available to the birds at all times.

(D) It shall be unlawful for any person to raffle, offer, or give as a prize, premium, or advertising device, any live vertebrate animal.

(E) This section shall not prohibit the lawful sale of animals, where proper precautions are made for the health and safety of the animals, and the sale of the same conducted in such a manner so as not to create a public nuisance.
(Ord. 26-1980, passed 11-10-80) Penalty, see § 90.99

§ 90.14 NAME TAGS.

No owner or person having custody of any dog shall allow the dog to be on the streets or other public places, or on lands of others in the city, unless the dog is wearing a name tag which shall give the name and address of the owner or person having custody of such dog.
(Ord. 26-1980, passed 11-10-80) Penalty, see § 90.99

§ 90.15 ANIMAL CARE.

(A) No owner or person responsible shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter, and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(B) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(C) No owner of an animal shall abandon such animal.

(D) No person shall knowingly expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal. It shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.
(Ord. 26-1980, passed 11-10-80) Penalty, see § 90.99

§ 90.16 ANIMAL WASTE.

The owner of every animal shall be responsible for the removal of any excreta deposited by his animals on public walks, recreation areas, or private property.
(Ord. 26-1980, passed 11-10-80) Penalty, see § 90.99

§ 90.17 KEEPING WILD ANIMALS.

No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.
(Ord. 26-1980, passed 11-10-80) Penalty, see § 90.99

§ 90.98 ENFORCEMENT.

Designated officers of the impounding facility shall be issued special police powers in order that they will have the authority to issue notices of ordinance violations. Persons wishing to register a complaint for the violation of any section of this chapter shall contact the impounding facility. However, persons are advised that registering such complaint does not mean automatic prosecution for the offense. In order to obtain redress, the offended party shall file a formal complaint with the City Attorney.
(Ord. 26-1980, passed 11-10-80)

§ 90.99 PENALTY.

Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than \$500. A separate offense shall be deemed committed on each day that a violation occurs or continues.
(Ord. 26-1980, passed 11-10-80)